

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

<b>WILLIAM T. JOHNSON, JR.,</b>	:	
	:	
Petitioner,	:	
	:	
v.	:	Civ. Act. No. 05-602-JJF
	:	
<b>THOMAS L. CARROLL,</b>	:	
Warden, and <b>M. JANE BRADY,</b>	:	
Attorney General for the State of Delaware,	:	
	:	
Respondents.	:	

**MOTION FOR EXTENSION OF TIME**

Pursuant to Rule 6 of the Federal Rules of Civil Procedure, respondents move for an extension of time in which to file an answer to the petition. In support thereof, respondents state the following:

1. The petitioner, William T. Johnson, Jr., has applied for federal habeas relief, challenging his October 1996 conviction by guilty plea in Delaware Superior Court for felony theft. D.I. 2. By the terms of the Court's order, the answer is due to be filed on November 7, 2005.
2. Counsel for respondents filed an answering brief in an appeal on Tuesday in the Delaware Supreme Court, and plans to file an answer to a federal habeas petition in District Court later this week in another case. In addition, the undersigned has been and continues to be working on other cases before this Court and the state courts. Further, many of the Appeals Division resources are currently allocated to litigation involving an execution scheduled for November 4. In light of the situation, additional time is needed to complete the answer and have it reviewed in the ordinary course of business.
3. Under Habeas Rule 4, the Court has the discretion to give respondents an extension of

time exceeding the 40-day limit in Civil Rule 81(a)(2). *Clutchette v. Rushen*, 770 F.2d 1469, 1473-74 & n.4 (9<sup>th</sup> Cir. 1985); *Kramer v. Jenkins*, 108 F.R.D. 429, 431-32 (N.D. Ill. 1985).

4. This is respondents' first request for an extension of time in this case.

5. Respondents submit that an extension of time to and including November 29, 2005 in which to file an answer is reasonable. Respondents submit herewith a proposed order.

/s/ Elizabeth R. McFarlan  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801  
(302) 577-8500  
Del. Bar. ID No. 3759

DATE: November 2, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on November 2, 2005, I electronically filed a motion for extension of time and attachments with the Clerk of Court using CM/ECF. I also hereby certify that on November 2, 2005, I have mailed by United States Service, two copies of the same documents to the following non-registered participant:

William T. Johnson, Jr.  
SBI No. 202367  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

/s/ Elizabeth R. McFarlan  
Deputy Attorney General  
Department of Justice  
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